

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL NO. 11-0211-WS-N
)
)
GARNER HOWARD CHESTANG,) CIVIL ACTION 13-0233-WS-N
)
Defendant/Petitioner.)

ORDER

This matter comes before the Court on petitioner Garner Howard Chestang's Motion for Certificate of Appealability and Motion for Leave to Proceed In Forma Pauperis (doc. 48). On January 22, 2014, this Court entered an Order (doc. 44) denying petitioner a Certificate of Appealability and certifying that any appeal would not be taken in good faith, because all claims presented in Chestang's § 2255 petition were frivolous. Petitioner has not rebutted that Order's reasoning on those matters, nor has he attempted to make a showing of why a COA or IFP status on appeal might be appropriate in this case.

For the reasons stated in the January 22 Order, as further amplified in the Order (doc. 47) entered on February 5, 2014, denying Chestang's motion to reconsider, this Court remains of the opinion that petitioner has not made a substantial showing of the denial of a constitutional right, and that issuance of a COA is unwarranted. Accordingly, the Motion for Certificate of Appealability is **denied**. Similarly, the Court remains of the opinion that Chestang's appeal from the denial of § 2255 relief is not taken in good faith because all claims presented are frivolous; therefore, the Motion for Leave to Proceed *In Forma Pauperis* is likewise **denied**.

DONE and ORDERED this 27th day of February, 2014.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE